

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

WYATT B. et al.

Civ. No. 6:19-cv-00556-AA

Plaintiffs,

OPINION & ORDER

v.

TINA KOTEK et al.,

Defendants.

AIKEN, District Judge.

Senator Sara Gelser Blouin, a potential trial witness for the Plaintiffs in this case, was served with a subpoena by Defendants and, on May 8, 2024, filed a motion to quash the subpoena and sought an award of attorney fees related to the subpoena. ECF No. 465. On May 10, 2024, Defendants filed a response in opposition to the motion to quash. ECF No. 469. Also on May 10, 2024, the parties entered into a settlement agreement, ECF No. 473, which obviated the need for Sen. Gelser Blouin to comply with the subpoena and rendered the motion to quash moot.

The award of attorney fees in connection with a motion to quash is a form of sanction. *See Olagues v. Schmidt*, 897 F.2d 533 (9th Cir. 1990); Fed. R. Civ. P. 45(d)(1). Here, the validity of the subpoena was not fully litigated because the case settled only two days after the motion to quash was filed, which also relieved the

Senator of the burden of complying with the subpoena's demands. Under these circumstances, the Court declines to impose fees and costs on Defendants.

It is so ORDERED and DATED this 28th day of June 2024.

/s/Ann Aiken

ANN AIKEN

United States District Judge